IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):	Hannu Konttinen	CONF. NO.	9944
SERIAL NO.:	10/014,773	ART UNIT:	2178
FILING DATE:	December 11, 2001	EXAMINER:	Matthew Ludwig
TITLE:	METHOD AND ARRANGEMENT FOR DISPLAYING HYPERTEXT PAGES		
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant respectfully requests review of the final rejection in the above-identified application and the issuance of a new, non-final action, or notice of allowance. This request is being filed with a Notice of Appeal.

I.   The Examiner has erred in making the last Office Action of December 11, 2007 a final rejection. The examiner has cited, for the first time, the reference Bentley as a basis for the rejections based on anticipation. The citation of this new reference as the basis for the rejection of the claims was not necessitated by Applicant's prior amendments and the reference was not one submitted in an IDS by Applicant. Accordingly, that the current office action is a "final" rejection is improper pursuant to the requirements set forth in MPEP section 706.07(c). The issuance of a new, non-final action is respectfully requested.

II. Additionally, the Examiner has not established a *prima facie* case of anticipation. The Examiner failed to establish that the reference Bentley expressly or inherently describes all of the elements of claims 1-15 of this application as required to establish a *prima facie* case of obviousness. In particular claim 1 as amended states:

"storing language specific rules of syntax in a memory; sequentially processing the text, based on the stored language specific rules of syntax, to identify a start element and end element, selecting a first text portion between the start element and end element as the reading portion and placing the selected portion on the read pane,..."

The reference Bentley fails to disclose at least these features. Bentley involves a display apparatus 20 for using rapid sequential visual presentation (RSVP). RSVP is described as "a known display technique in which <u>single words</u> 10 of a document text are presented in their sequential order" (see column 1, lines 10-14). The display of Bentley is described at column 3, lines 24-28 as follows:

"Referring to FIGS. 4(a) and 4(b), in a first example, an RSVP region 30 is generated in a stationary window located towards the center of a displayed image 32. A thumbnail view 34 of a document page is also generated and placed in the image "behind" or "under" the RSVP region 30."

The display control commands of Bentley are entered by use of input device 28, described in column 4, lines 20-28 as follows:

"By clicking at, or moving a cursor to, a desired location in the thumbnail view, the display controller 26 can be controlled to start the RSVP presentation from that location in the document text."

Bentley, therefore, teaches that one screen, the thumbnail view, provides the context for words displayed on a smaller screen, the RSVP view. The RSVP screen displays a sequence of words, generally one word at a time, as indicated above. A curser is manually used to start the text that is to be displayed continuously, word by word. There is nothing in Bentley that provides a selection of a group of words, extending between a starting point and an ending point for simultaneous display in the RSVP screen, wherein the starting point an ending point are selected based on language rules

of syntax. Bentley, therefore, fails to teach at least this clearly recited limitation of the independent claims.

Claim 1 further states:

"further processing connected portions of the selected text for a new start element and a new end element and selecting the text portion between the new start element and new end element of a second text portion contiguous to said first text portion for display as the next reading portion and placing the selected contiguous portion on the read pane, if a shift command is received."

In the sequential display process of Bentley, the words are continuously presented in sequence, word by word, from the beginning to the end of the text desired to be read. Although the increment of text, displayed at any one time, is illustrated and described as, word by word, there is an incidental suggestion that "short phrases" may be used (see column 1, line 55). However, Bentley fails completely to describe any basis by which such short phrases may be selected as an incrementally displayed item.

As described in independent claims 1, 7, 14, and 15, the subject matter of this application involves the display, in a read screen, of a passage of text defined by language rules of syntax.   Such passages are defined and displayed, as the text is processed for display, and such phrases form the incremental substance of the text displayed.   The word by word sequence of Bentley falls well short of the claimed subject matter of this application. Bentley therefore, fails to support the Examiner's rejection based on anticipation.

The claims of this application also require decoding of hypertext and preprocessing of the data for display in addition to the storing of language rules of syntax. There is no need for these steps in Bentley because, the teaching of Bentley does not deal with Hypertext or language rules of syntax.

The Examiner seeks to find the language specific rules of Syntax in Bentley and elucidates the results of this quest in the Advisory Action of March 19, 2008 as follows:

"The Bentley reference includes the stored control information related to the sequence of words and provides a similar function of 'language specific rules of syntax' for reading text straight forward and at a desired rate designated by the user of the device. ..... the Examiner believes the limitations, as presently claimed, fail to preclude the use of a word or short phrases as disclosed in the reference Bentley. The independent claims do not clearly state whether one or more than one word is being used as a reading portion."

Applicant submits that this is not in accordance with the doctrine of anticipation. An anticipation analysis requires a positive answer to the question of whether the system of Bentley would infringe the claims of this application, if it were later.

As indicated above, all of the claims of this application contain the following limitation or its equivalent:

"storing language specific rules of syntax in a memory; sequentially processing the text, based on the stored language specific rules of syntax, to identify a start element and end element, selecting a first text portion between the start element and end element as the reading portion and placing the selected portion on the read pane, and..."

There are no rules of syntax stored in Bentley. No such rules form the basis for the selection of portions of text for viewing in Bentley. There is no start element and end element selected based on language rules of syntax in Bentley. The system of Bentley, therefore does not and cannot infringe the elements of the claims of this application. The claims of this application do not read on the system of Bentley. Therefore, the disclosure of Bentley does not support a rejection based on anticipation.

Further, the starting point in Bentley is a cursor click, there is no decoding of hypertext or preprocessing required. Just click and read. The Examiner fails to understand that the Applicant's system presents the text in the read pane in passages that reflect a user's reading habits, for example, between punctuation marks. This is a distinct advantage over systems such as Bentley, because it is much easier to read and understand the substance of the text being viewed. There is no defined passage in

Bentley, only word by word. The teaching of Bentley fails to support the rejection based on anticipation with respect to any of independent claims 1, 7, 14, and 15. These grounds apply equally to each of the rejected dependent claims, all of which, by dependency, have the limitations described in the independent claims.

Therefore, it is submitted that there is clear error in the final office action, and a new action or allowance should be issued.

Respectfully submitted,

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11 April 2008
Date

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